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Docket No. F-8591

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Koji OGATA, et al.
Serial No. : 10/524,621
Filed : March 17, 2005
For : ANTI-ALUMINA-BUILDUP REFRACTORIES FOR
CASTING NOZZLES
Group Art Unit : 1725
Examiner : UNKNOWN
Confirmation No. : 8720
Customer No. : 000028107

BY HAND DELIVERY

ATTN: MR. RAFAEL BACARES

MAIL STOP PCT LEGAL
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RENEWAL PETITION UNDER 35 U.S.C. 1.181
TO REVIVE AN UNAVOIDABLY ABANDONED
APPLICATION THROUGH NO FAULT OF THE APPLICANT**

Sir:

This is a Renewal Petition Under 35 U.S.C. 1.181 to Revive an Unavoidably Abandoned Application Through No Fault of the Applicant.

The initial Petition Under 35 USC 1.181 to Revive an Unavoidable Abandoned Application Through No Fault of the Applicant was filed on May 14, 2008 and is hereinafter refined to as the "Petition filed May 14, 2008".

Applicant acknowledges receipt of the USPTO Decision on Petition Under 37 CFR 1.137(a) and 1.181 dated June 9, 2008. This instant renewal Petition is being filed in response to the aforementioned Decision on Petition filed June 9, 2008. In the aforementioned Decision on Petition dated June 9, 2008, on page 3 thereof, second and third paragraphs, the PCT Legal Examiner acknowledges that Petitioner had filed the executed Declaration and has paid the Petition fee. Accordingly, it is not believed necessary to file the Declaration nor pay the Petition fee at this time.

The PCT Legal Examiner indicated that the postcard previously filed with the Petition filed May 14, 2008 refers to application 10/524,620 and not application 10/524,621. Attached hereto is a copy of the front and back of the postal receipt card for application 10/524,621. As noted in the footnote at the bottom of page 2 of the

Decision on Petition, applicant's 10/524,620 and 10/524,621 were filed by Jordan and Hamburg LLP on the same day and share two inventors, Koji OGATA et al. and Bruce Donald HOOVER. It is respectfully submitted that with the submission of the enclosed postcard, that all of the necessary documents have now been filed in the USPTO.

The entire delay of filing the Petition was unavoidable under 37 CFR 1.137(a). The enclosed postcard and other documents previously submitted document the fact that the Declaration was timely filed in the USPTO on March 17, 2005. Since the Declaration was timely filed, applicant had no reason to believe that there was any abandonment of the application. Applicant received the Notice of Abandonment dated July 19, 2006 on July 21, 2006. The Notice of Abandonment indicated that this application was abandoned because of failure to respond to the Notice of Missing Parts mailed August 9, 2005.

However, as applicant has set forth in the Petition filed May 14, 2008, the required response to satisfy the Notice of Missing Parts mailed August 9, 2005 was timely filed on March 17, 2005.

After receipt of the Notice of Abandonment dated July 21, 2006 applicant telephoned Ms. Mamie P. Person (Tel. No. (703) 308-9140 ext 227) at the USPTO on August 1, 2006 and informed Ms. Person that a Declaration/Power of Attorney was filed by Express Mail in the USPTO on March 17, 2005 along with a postal receipt card. Applicant also informed Ms. Person that applicant had a copy of the Express Mail label date stamped by the U.S. Postal Office on March 17, 2008 and a postal receipt card stamped by the USPTO on March 17, 2005.

Applicant was informed by Ms. Person to submit the Express Mail label, the postal receipt card, the Notice of Abandonment and the Declaration/Power of Attorney signed by all inventors to her by facsimile. All the required documents were faxed to Ms. Person on August 2, 2006 and copies thereof were submitted to the USPTO with the Petition filed May 14, 2008.

Applicant again contacted Ms. Person on May 2, 2007 regarding the status of this application where she informed us to re-submit the documents previously sent to her on August 2, 2006. Upon her instructions, we re-submitted (for the second time) all documents faxed to Ms. Person on August 2, 2006 and these re-submitted documents were indicated as received on May 2, 2007 by the PTO PAIR System.

A third telephone call was placed to Ms. Person on January 15, 2008 regarding the status of this application and she again informed us she must have misplaced the paperwork because she did not have them and requested that the copies be faxed again to her for the third time and copies of these thrice submitted documents which were faxed to the Patent Office on January 15, 2008 were submitted to the USPTO with the Petition filed May 14, 2008.

Applicant has received from the USPTO a Communication on Decision dated February 13, 2008 indicating this application remains abandoned. Applicant telephoned Mr. Rafael Bacares on March 11, 2008 who advised client to file a Petition Under 37 CFR 1.181.

Applicant therefore filed the Petition dated May 14, 2008 and enclosed therewith the following documents:

- (B) Copy of the United States Express Mail Label EV 585 006 447 US with postal stamp dated March 17, 2005, as applicable to applicant's Docket No. F-8591 which corresponds to applicant's Serial No. 10/524,621;

- (C) Copy of Documents submitted to PTO on August 2, 2006, May 2, 2007, and on January 15, 2008;
- (D) PTO Decision dated February 13, 2008; and
- (E) PTO Notification of Abandonment dated July 21, 2006.

Since copies of Documents (B), (C), (D) and (E) were filed with the Petition filed May 14, 2008, it is not believed necessary to file additional copies at this time.

Enclosed is Document (A-1) identified as follows:

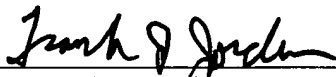
- (A-1) Postal receipt card (front and back) stamped "DT03
Rec'd PCT/PTO 17 March 2005" as applicable to
applicant's Docket No. F-8591, Serial No. 10/524,621;

Document (A+1) shows that the Declaration/Power of Attorney for Serial No. 10/524,621 was received in the USPTO on March 17, 2005.

No fee is believed due because the abandonment did not result from any fault of the applicant as the enclosed documents prove. Therefore, the Petition is being filed Under 37 CFR 1.181. However, in the alternative, if the Petition is considered to be filed Under 37 CFR 1.137(a), if there is any fee due the USPTO is hereby authorized to charge such fee to Deposit Account No. 10-1250.

Respectfully submitted,

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FJJ/cj

Enc. (A-1) Postal receipt card (front and back) stamped "DT03 Rec'd PCT/PTO
17 March 2005" as applicable to applicant's Docket No. F-8591,
Serial No. 10/524,621

Docket No. F-8591

Serial No. 101524,621

CBH ☐ FJJ ☒

The date stamp of the Patent Office hereon may be considered as the date on which papers indicated below were received.

New Application	<input type="checkbox"/>	Dec./Power of Att.	<input checked="" type="checkbox"/>
RCE	<input type="checkbox"/>	Assignment	<input type="checkbox"/>
Supplemental Amendment	<input type="checkbox"/>	Priority Document	<input type="checkbox"/>
Preliminary Amendment	<input type="checkbox"/>	IDS/IDC	<input type="checkbox"/>
English Translation App.	<input type="checkbox"/>	Notice of Appeal	<input type="checkbox"/>
Marked Specification	<input type="checkbox"/>	Appeal Brief	<input type="checkbox"/>
Substitute Specification	<input type="checkbox"/>	Issue Fee	<input type="checkbox"/>
Letter to Draftsman/Drawings	<input type="checkbox"/>	Statement of Use	<input type="checkbox"/>
Resp. to O.A.	<input type="checkbox"/>	Section 8 and	<input type="checkbox"/>

Date of Doc. being mailed: 3/17/05

(Patent Office. Please stamp and return to addressee on reverse side.)

DT03 Rec'd PCT/PTO 17 MAR 2005



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